IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 863 of 2002

For Approval and Signature:

HONOURABLE MS.JUSTICE H.N.DEVANI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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KISHANKUMAR GOPALLAL AGRAWAL - Petitioner(s)
Versus
VISNAGAR NAGRIK SAHAKARI BANK LIMITED & 3 - Respondent(s)

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Appearance :
MR PC KAVINA for Petitioners
MR PRAKASH K JANI for Respondent : 1
RULE SERVED BY DS for Respondent(s) : 2

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CORAM : HONOURABLE MS.JUSTICE H.N.DEVANI

Date : 08/10/2007

ORAL JUDGMENT

1. By an order dated 23rd January, 2002, Rule was issued in the matter and was made returnable in the third week of March, 2002. Ad-interim

relief had been granted in terms of prayer clause 8(C) which is operating till date.

2. Today when the matter is called out for hearing, Mr.P.C.Kavina, learned Advocate has appeared on behalf of the petitioners and submitted that the petitioners have taken back the papers of the case and he has no instructions in the matter. He, accordingly, expresses his inability to argue the case.

3. On the other hand, Mr.P.K.Jani, learned Advocate for the respondent No.1 Bank has submitted that since a long time, the interim relief is operating against the Bank, hence, the matter be taken up for hearing today.

4. In the above view of the matter, considering the fact that the learned Advocate for the petitioners has pleaded that he has no instructions in the matter, this Court is left with no other option but to dismiss the petition for non-prosecution.

5. For the foregoing reasons, the petition is dismissed for non-prosecution. Rule is discharged. Ad-interim relief granted vide order dated 23.1.2002 is hereby vacated.

[HARSHA DEVANI, J.]

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